



7020-02

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-916]

### Certain Non-Volatile Memory Chips and Products Containing the Same

#### Institution of investigation pursuant to 19 U.S.C. 1337

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 29, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Spansion LLC of Sunnyvale, California. A supplement to the complaint was filed on May 9, 2014. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain non-volatile memory chips and products containing the same by reason of infringement of certain claims of U.S. Patent No. 6,246,611 (“the ’611 patent”); U.S. Patent No. 6,744,666 (“the ’666 patent”); U.S. Patent No. 6,399,446 (“the ’446 patent”); and U.S. Patent 6,436,766 (“the ’766 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that

information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**AUTHORITY:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2014).

**SCOPE OF INVESTIGATION:** Having considered the complaint, the U.S. International Trade Commission, on May 29, 2014, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain non-volatile memory chips and products containing the same by reason of infringement of one or more of claims 1-7 and 9-13 of the '611 patent; claims 1, 3-5, 8, and 10-13 of the '666 patent; claims 1, 5-12, 15-17, 20, and 21 of the '446 patent; and claims 1, 4-11, 13-15, 17, 18, and 22 of the '766 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR § 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. §§ 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Spansion LLC  
915 DeGuigne Drive  
Sunnyvale, CA 94085

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Macronix International Co., Ltd.  
No. 16, Li-Hsin Road,  
Science Park, Hsin-chu  
Taiwan

Macronix America, Inc.  
680 North McCarthy Boulevard, Suite 200  
Milpitas, CA 95035

Macronix Asia Limited

NKF Bldg. 5F, 1-2 Higashida-cho, Kawasaki-  
ku, Kawasaki-shi, Kanagawa Pref. 210-0005  
Japan

Macronix (Hong Kong) Co., Ltd.

702-703, 7/F, Building 9, Hong Kong Science  
Park, 5 Science Park West Avenue, Sha Tin, N.T.  
Hong Kong

Acer Inc.

8F, 88, Sec. 1, Xintai 5th Road  
Xizhi, New Taipei City 221  
Taiwan

Acer America Corporation

333 West San Carlos Street, Suite 1500  
San Jose, CA 95110

ADT Corporation

1501 Yamato Road  
Boca Raton, FL 33431

Amazon.com, Inc.

410 Terry Avenue North

Seattle, WA 98109

ASRock Inc.

2F No. 37, Sec. 2, Jhongyang S. Road

Beitou District, Taipei City 112

Taiwan

ASRock America, Inc.

13848 Magnolia Avenue

Chino, CA 91710

ASUSTek Computer Inc.

No. 15, Li-Te Road

Beitou District, Taipei 112

Taiwan

ASUS Computer International

800 Corporate Way

Fremont, CA 94539

Belkin International, Inc.  
12045 E. Waterfront Drive  
Playa Vista, CA 90094

D-Link Corporation  
No. 289, Sinhu 3rd Road, Neihu District  
Taipei City, 114  
Taiwan

D-Link Systems, Inc.  
17595 Mt. Herrmann Street  
Fountain Valley, CA 92708

Leap Motion, Inc.  
333 Bryant Street  
Suite LL150  
San Francisco, CA 94107

Lowe's Companies, Inc.  
1000 Lowes Boulevard  
 Mooresville, NC 28117

Lowe's Home Centers, Inc.

1605 Curtis Bridge Road

Wilkesboro, NC 28117

Microsoft Corp.

One Microsoft Way

Redmond, WA 98052

Nintendo Co., Ltd.

11-1 Kamitobo-hokotate-cho, Minami-ku,

Kyoto

Japan

Nintendo of America, Inc.

4600 150th Avenue NE

Redmond, WA 98052

Sercomm Corporation

8F, No. 3-1, Yuan Qu St.

Nan Kang, Taipei 115

Taiwan

Vonage Holdings Corp.

23 Main Street

Holmdel, NJ 07733

Vonage America Inc.

23 Main Street

Holmdel, NJ 07733

Vonage Marketing LLC

23 Main Street

Holmdel, NJ 07733

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.



Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: May 29, 2014.

Lisa R. Barton,

Secretary to the Commission.